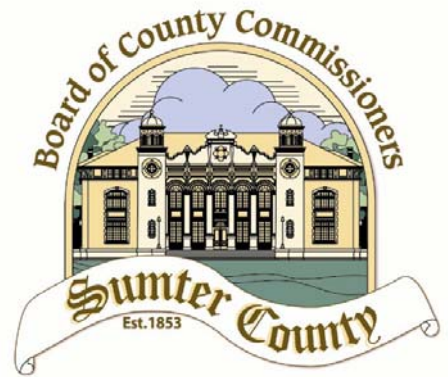


# **Board of County Commissioners**

## **Division of Planning & Development**

### **Code Compliance Department**

209 North Florida Street, Room 307 • Bushnell, FL 33513 • Phone (352) 793-0270 • FAX: (352) 793-0274  
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## **CODE ENFORCEMENT BOARD**

***August 8, 2005***

The regular meeting of the Code Enforcement Board of Sumter County, Florida was called to order on Monday, August 8, 2005, at 6:00 P.M. followed by the Pledge of Allegiance.

The following board members were present: Horton Barnes-Chairperson, Cheryl Barnes, Drexel Clark, Dixie Ruzzo, Tommy Messer, and Terry Pasko. Charles Castle was absent.

Present from the Code Compliance staff were Paul Jochum-Code Compliance Manager, Al Folden-Code Compliance Inspector, Janice Love-Code Compliance Inspector, and Alysia Akins-Code Enforcement Board Secretary.

Terry Neal, Attorney for the Sumter County Code Compliance Inspectors, was present.  
Randall Thornton, Attorney for the Code Enforcement Board, was absent.

Mrs. Ruzzo made a motion to approve the minutes from the July 11, 2005, meeting.  
Mrs. Barnes seconded the motion and the motion carried.

Mr. Jochum and Mr. Folden were sworn in.

### **Old Business:**

The following cases were issued an affidavit of compliance:

**CE2004-0046/Gregis-Grenko**

**CE2004-0534/Ostrowski**

**CE2004-0485/Allen**

The following cases have been sent to Attorney Thornton for foreclosure:

**CE2004-0114/Graham**

**CE2004-0174/Elliott**

The following case has a lien filed against it:

**CE2004-0547/Howard**

The following cases were brought before the Board due to requests for extensions of time:

**CE2004-0192/Bartlett**

**CE2005-0246/Lane**

Gerald Bartlett, Respondent, was present and requesting an extension of 16 working days, which would be August 30, 2005, due to being unable to work in bad weather conditions. Mr. Jochum had informed Mr. Bartlett incorrectly of the requested compliance date of August 14, 2005.

The correct ordered date of compliance was July 24, 2005, according to the findings of fact. Mr. Bartlett explained he was under the assumption weekends were not included in his ordered time. Mr.

Jochum reported upon his inspection of Mr. Bartlett's property on August 1, 2005, progress had been made and the required building permits had been obtained.

Mr. Messer moved to approve the request for an extension to August 30, 2005, for both cases. Mrs. Barnes seconded the motion and the motion carried.

The following case was brought before the Board due to a request for an extension of time:

**CE2005-0102/Engelsman**

Diane Engelsman, Respondent, was present and requesting a 36-day extension of time from the ordered date of compliance which is August 14, 2005, due to a medical hardship involving her daughter. Ms. Engelsman reported the land she had accrued through a lease had been cleared and there was electric there for her to work on the dog pens. The general location of the leased property in Dunnellon was discussed.

Mrs. Barnes moved to approve the request for an extended compliance date to September 12, 2005, in which Mr. Jochum was requested to inspect on that date, with a daily fine of \$50 per day if found to be in non-compliance. Mr. Messer seconded the motion and the motion carried.

**New Business:**

The following cases were issued an affidavit of pre-hearing compliance:

**CE2004-0078/Fabricatore**

**CE2005-0002/Knight**

**CE2005-0023/Fortsch**

**CE2005-0098/Brown**

**File: CE2004-0609/Thorsen**

**911 Address: 922 CR 482A/Lake Panasoffkee**

**Parcel: J04A048/OR – 1089, PG – 251**

**SCCV: 6-104(5) and 13-E-312 SHC 307.4**

The Respondent was not present. Mr. Folden testified the Notice for Hearing had been sent by certified mail and the property had been posted on 7/29/05. Mr. Folden testified 7/29/05 had been his last visit to the property, although Mr. Jochum had visited the property on 8/8/05 and found it to be in non-compliance. Mr. Folden and Mr. Jochum submitted photographs into the record that had been taken on 11/29/04, 6/23/05, and 8/8/05 reflecting the violations. Mr. Folden testified he had spoken with Mr. Thorsen in January of 2005, who had obtained the property through an inheritance, and he had informed Mr. Folden the property would be in compliance by May of 2005.

Mr. Messer made a motion to allow the Respondent 30 days to remove the brush and debris from the property and mow the grass, or a fine of \$50 per day would be assessed for each and every day of non-compliance. Mr. Pasko seconded the motion and the motion carried.

**File: CE2005-0137/Lutze**

**911 Address: 11898 SW 36<sup>th</sup> Way/Croom**

**Parcel: R12B032/OR – 1300, PG – 777**

**SCCV: 6-104(2), 6-104(4), 21-1(A) and 13-364(b)(2)(f)**

The Respondent was not present. Mr. Jochum testified the Notice for Hearing had been sent by certified mail and the property had been posted on 5/18/05. Mr. Jochum testified 8/8/05 had been his last visit to the property and found it to be in non-compliance. Mr. Jochum submitted photographs into the record that had been taken on 3/9/05, 4/19/05, 5/18/05, and 8/8/05 reflecting the violations. Mr. Jochum testified progress had been made, but the property was still not in compliance.

Mr. Messer made a motion to allow the Respondent 30 days to remove the miscellaneous vehicle related items, household garbage, and inoperable vehicles from the property, or a fine of \$150 per day would be assessed for each and every day of non-compliance. Mrs. Ruzzo seconded the motion and the motion carried.

**File: CE2005-0234/Manson**

**911 Address: 1476 CR 434/Lake Panasoffkee**

**Parcel: F32Q133/OR – 732, PG – 548**

**SCCV: 6-104(2), 21-1(A) and 13-E-312 SHC 307.4**

The Respondent was not present. Mr. Jochum testified the Notice for Hearing had been sent by certified mail. Mr. Jochum testified 8/8/05 had been his last visit to the property and found it to be in non-compliance. Mr. Jochum submitted photographs into the record that had been taken on 4/19/05, 5/5/05, and 8/8/05 reflecting the violations. Mr. Jochum recommended the collection of actual staff costs due to the Respondent being a repeat offender.

Mrs. Barnes made a motion to order the Respondent pay a one time fine of \$500 plus actual staff costs in the amount of \$279.58 for a grand total of \$779.58. The motion also included allowing the Respondent 14 days to remove the trash, litter, and debris from the property, or an additional fine of \$150 per day would be assessed for each and every day of non-compliance. Mr. Clark seconded the motion and the motion carried. The Board requested Mr. Jochum perform an inspection of the property on the 15<sup>th</sup> day.

**Public Forum:**

**Recovery Cost Calculation** – Mr. Jochum informed the Board he had been in contact with other counties' code compliance departments regarding their recovery cost collection procedures. Mr. Jochum found out the following information: Polk County collects actual costs, Hernando County operates with a Special Master and collects fines only, and Citrus County collects occasional fines but no actual costs. Lake and Marion County had not responded at this time. The Board discussed charging Respondents actual costs if found in non-compliance at the time of the hearing and include that order in any motions made during the hearings. Mr. Jochum stated any time costs had been paid in the past that the Respondents kept their property in compliance longer. Mr. Jochum informed the Board the BOCC currently waives fines at the staff's request, but actual costs are collected if the Board's ordered date for compliance is not met. Each board member will receive a cost sheet associated with each case in their agenda packets from now on so actual costs can be made as part of the order, if desired.

There being no further business, Mrs. Barnes made a motion to adjourn. Mr. Pasko seconded the motion and the motion carried.

The meeting adjourned at 6:50 PM.

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Chairperson

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Recording Secretary